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09/599,675	06/22/2000	Mark Herrmann	10984-287001	7511

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EXAMINER

JACOBS, LASHONDA T

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 05/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/599,675

Applicant(s)

HERRMANN ET AL.

Examiner

LaShonda T. Jacobs

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 June 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Drawings*

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: note reference numeral 100 of Figure 1 on pg. 3, line 16. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: note reference numerals 137 and 153 in Figure 6. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Specification*

3. The disclosure is objected to because of the following informalities: the reference numeral 14 should be replace with reference numeral 13 on pg. 4.

Appropriate correction is required.

### *Claim Objections*

4. Claim 31 is objected to because of the following informalities: the word server on line 3 should be changed to the word served. Appropriate correction is required.

*Claim Rejections - 35 USC § 102*

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claim 1-3, 8-11, 16-19, 24-25, 27, 32-34, and 38 are rejected under 35 U.S.C. 102(e) as being anticipated by Spaur et al (hereinafter, "Spaur". 6,196,920).

As per claim 1, Spaur discloses a method comprising:

- displaying media, an electronic advertisement, and an input area (abstract, col. 3, lines 16-49, and col. 14, lines 11-35);
- capturing input from the input area when a user interacts with the media (abstract, col. 3, lines 16-49, and col. 14, lines 11-35); and
- communicating advertising information to the user based on the captured input (abstract, col. 3, lines 16-49, and col. 14, lines 11-35).

As per claims 9 and 17, Spaur discloses a method and computer-readable medium for providing information about an advertised product or service comprising:

- formatting content to include media, an advertisement, and an input area (abstract, col. 3, lines 16-49, and col. 14, lines 11-35);
- communicating the content to a client device for concurrent display to the user (col. 4, lines 11-20, and col. 9, lines 54-64);

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- receiving input from the client device when a user interacts with media (abstract, col. 3, lines 16-49, and col. 14, lines 11-35); and
- communicating advertising information to the client device based on the received input (abstract, col. 3, lines 16-49, and col. 14, lines 11-35).

As per claim 25, Spaur discloses a system comprising:

- a server communicatively coupled to client device and configured to communicate content to the client device for display to the user, wherein the content includes media, an advertisement, and an input area (abstract, col. 3, lines 16-49, col. 6, lines 39-67, col. 7, lines 1-20, and col. 14, lines 11-35); and
- one or more software modules executing in an operating environment provided by the server and configured to receive input from the client device when a user interacts with media and to communicate advertising information to the user based on the received input (col. 6, lines 23-63).

As per claim 33, Spaur discloses:

- on a page served from the network, displaying (a) a first visible element associated with a link to another page that is also served from the network and (b) a second visible element that enables a user to indicate an interest in the first visible element without invoking the link (col. 9, lines 54-64, col. 12, lines 19-27, and col. 14, lines 11-35);
- conveying information about the user's interest to another location on the network (col. 8, lines 5-15); and
- responding to the user's interest based on the information about the user's interest (col. 8, lines 5-15, and col. 14, lines 11-35).

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As per claims 2, 11, 19, and 28 Spaur discloses:

- wherein the media comprises a web-based computer game (abstract, col. 1, lines 13-19, col. 6, lines 64-67, and col. 7, lines 1-5).

As per claims 3, 10, 18, 32, and 34 Spaur discloses:

- wherein communicating the advertising information to the user includes sending an electronic mail message to the user (col. 14, lines 28-36).

As per claims 8, 16, 24, and 38, Spaur discloses:

- wherein capturing input comprises capturing an email address of the user (col. 3, lines 45-49, and col. 14, lines 28-36).

As per claim 27, Spaur implicitly discloses:

- a web browser executing in an operating environment provided by the client device, wherein the browser is configured to capture input from the input area when the user interacts with the media and to forward the input to the server (col. 6, lines 23-63)

### *Claim Rejections - 35 USC § 103*

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4, 12, 20, 29, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spaur in view of Shaw et al (hereinafter, "Shaw", 6,199,106).

As per claims 4, 12, 20, 29, and 35, Spaur discloses the invention substantially as claimed.

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However, Spaur does not explicitly disclose:

- wherein the input area comprises a check box and communicating advertising information to the user includes communicating information to the user when the check box is selected.

Shaw discloses an electronic mail system with advertising that allows the user to select the more information button to send additional information about the product or service by email to the user (col. 6, lines 1-8). Therefore, Shaw implicitly discloses wherein the input area comprises a check box and communicating advertising information to the user includes communicating to the user when the check box is selected.

Given the teaching of Shaw, it would have been obvious to one of ordinary skill in the art to modify Spaur by including a more information button in the input area to allow a user to obtain additional information about a product or service in order to learn more about the product or service.

9. Claims 5-7, 13-15, 21-23, 26, 30-31, and 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spaur in view of Heckel.

As per claims 5, 13, 21, and 36, Spaur discloses the invention substantially as claimed.

However, Spaur does not explicitly disclose:

- registering the user prior to displaying the media.

In an analogous art, Heckel discloses:

- registering the user prior to displaying the media (col. 4, lines 35-38).

Given the teaching of Heckel, it would have been obvious to one of ordinary skill in the art to modify Spaur by registering the user prior to displaying the media in order to authenticate his

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or herself to allow for retrieval of the game and any demographic data for the display of advertisements.

As per claims 6, 14, 22, and 37, Spaur discloses the invention substantially as claimed.

However, Spaur does not explicitly disclose:

- wherein communicating the advertising information includes retrieving registration information for the user.

In an analogous art, Heckel discloses:

- wherein communicating the advertising information includes retrieving registration information for the user (col. 4, lines 2-9, and lines 35-58).

Given the teaching of Heckel, it would have been obvious to one of ordinary skill in the art to modify Spaur by including retrieving registration information for the user when communicating advertising information in order to match advertisements with demographic data of the user allowing the server to display appropriate advertisements to user.

As per claims 7, 15, 23, 26, and 31, Spaur discloses the invention substantially as claimed.

However, Spaur does not explicitly disclose:

- wherein communicating the advertising information includes retrieving the registration information from a registration database.

In an analogous art, Heckel discloses:

- wherein communicating the advertising information includes retrieving the registration information from a registration database (col. 4, lines 20-27, and lines 35-58).

Given the teaching of Heckel, it would have been obvious to one of ordinary skill in the art to modify Spaur by including retrieving registration information from the registration database



when communicating advertising information in order to match advertisements with demographic data of the user allowing the server to display appropriate advertisements to user.

As per claim 30, Spaur discloses the invention substantially as claimed.

However, Spaur does not explicitly disclose:

- registering the user prior to displaying the media.

In an analogous art, Heckel discloses:

- registering the user prior to displaying the media (col. 4, lines 35-38).

Given the teaching of Heckel, it would have been obvious to one of ordinary skill in the art to modify Spaur by registering the user prior to displaying the media in order to authenticate his or herself to allow for retrieval of the game and any demographic data for the display of advertisements.

### *Conclusion*

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,205,432 to Gabbard et al

U.S. Pat. No. 6,311,211 to Shaw et al

U.S. Pat. No. 6,014,502 to Moraes

U.S. Pat. No. 6,519,584 to Tognazzini

U.S. Pat. No. 5,823,879 to Goldberg et al

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T. Jacobs whose telephone number is 703-305-7494.


The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 703-308-7562. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

LaShonda T. Jacobs  
Examiner  
Art Unit 2157

ltj  
May 16, 2003

  
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